

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.hawaii.gov/hirec

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, May 30, 2014

Time: 9:00 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Present: Nikki T. Senter, Chair, Public/Honolulu Commissioner
Frances Gendrano, Vice Chair, Broker/Honolulu Commissioner
Bruce Faulkner, Broker/Maui Commissioner
Scott Arakaki, Public/Honolulu Commissioner
Scott A. Sherley, Broker/Hawaii Island Commissioner
Rowena Cobb, Broker/Kauai Commissioner
Aileen Wada, Broker/Honolulu Commissioner
Laurie Lee, Broker/Honolulu Commissioner

Neil K. Fujitani, Supervising Executive Officer
Miles Ino, Executive Officer
Amy Endo, Real Estate Specialist
David Grupen, Real Estate Specialist
Katherine Linster, Condominium Specialist
Shari Wong, Deputy Attorney General
Marilyn Antolin, Recording Secretary

Others: Lei Fukumura, Special Deputy Attorney General
Aron Espinueva, Hawaii Association of REALTORS
Marsha Shimuzu, Hawaii Association of REALTORS

Call to Order: Chair Senter called the meeting to order at 9 a.m., at which time quorum was established.

Chair's Report: The Chair announced that the Commission may move into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with section 92-5(a) (1), HRS, and/or to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a) (4), HRS.

Executive Officer's Report: The Executive Officer (EO) informed the Commissioners that the original applications, with any original associated documents considered at the meeting, were available for review.

Minutes of Previous Meetings:

April 25, 2014:

Chair Senter proposed the following to be included in the HRS 514B-34, Condo Map section of the minutes of April 25, 2014 meeting:

Mr. Sakai further commented that the statute does not require the Commission to evaluate who is eligible to sign and certify the condominium map, just that it is a licensed architect, engineer or surveyor.

Executive Officer Kobashigawa stated that he is unfamiliar with the statutory requirements under Chapter 514B for condominium maps.

Chair Senter described that a condominium map is a simplified version of the detailed building plans filed at DPP for building permit approval.

Upon a motion by Commissioner Sherley, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the minutes of the April 25, 2014 meeting, as proposed by Chair Senter.

September 27, 2013:

Minutes indicated that Ms. Osterman was asked if she wished to have her application for real estate broker considered in executive session. The minutes were amended to correct typographical error to reflect the following:

Darlene Osterman

Ms. Osterman was asked if she wished to have her application for real estate ~~broker~~ **salesperson** considered in executive session. She accepted the offer.

Upon a motion by Commissioner Sherley, seconded by Commissioner Gendrano, it was voted on and unanimously carried to accept, as amended the minutes of the September 27, 2013 meeting.

Chair Senter took the agenda out of order.

Committees and Program of Work:

Laws and Rules Review Committee – Addition to RICO Real Estate Advisory Committee.

Upon a motion by Commissioner Gendrano, seconded by Commissioner Faulker, it was voted on and unanimously carried to approve the addition to the RICO Real Estate Advisory Committee, for the term January 1, 2014 through December 31, 2015.

Report on the ARELLO Mid-Year Mtg (San Diego, 4/9 – 4/13/14)

Chair Senter felt it was an excellent meeting where current issues were discussed in a roundtable environment. This also provided the participants an opportunity to plan the annual meeting usually held later in the year. Discussions included comparisons of different geographic issues, cross jurisdiction issues not necessarily affecting Hawaii, and various versions of similar scams. Different scenarios are shared and possible resolutions discussed within the group.

Issues existing in the East may not affect the West side of the United States. In Idaho, no license is required for property management. Also, SEO reported that most of the states have implemented or will be implementing electronic licensing and renewal software systems. The Chair also shared that she found it interesting that the scope of work, and responsibilities differ for each jurisdiction Executive Officers. In states like Nevada, for instance, the Executive Officer additionally oversees real estate appraisals, mortgage brokers, and timeshare and subdivision registrations.

Commissioner Cobb said she found the conference to be very interesting and our proactive approach appears to be successful.

DRAFT Program of Work and Budget (FY15)

Distributed for review, SEO Fujitani requested that any proposed changes to be submitted to him by Friday, June 6, 2014.

- a. Laws and Rules Review Committee
- b. Condominium Review Committee
- c. Education Review Committee

Licensing
Ratification:

Upon a motion by Commissioner Gendrano, seconded by Commissioner Cobb, it was voted on and unanimously carried to ratify the April 25, 2014 list.

Chapter 91, HRS,
Adjudicatory
Matters:

The Chair called for a recess from the meeting at 9:27 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Real Estate Licenses of Shigeo Minamoto and Hitex International, Inc. nka Minamoto International, Inc.; REC 2010-114-L, et al.

Upon a motion by Commissioner Sherley, seconded by Commissioner Faulkner, it was voted on and unanimously carried to approve the Commission's Final Order.

In the Matter of the Real Estate Licenses of Leinaala S. P. Isa and Lynn A. Elisala; REC 2013-24-L

Upon a motion by Commissioner Faulkner, seconded by Commissioner Sherley, it was voted on and unanimously carried to accept the settlement agreement.

In the Matter of the Real Estate Licenses of Juliana Simone and Sunset Homes, LLC; REC 2013-33-L

Upon a motion by Commissioner Sherley, seconded by Commissioner Lee, it was voted on and unanimously carried to accept the settlement agreement.

In the Matter of the Real Estate Licenses of Richard D. Sterman, dba Sterman Realty; REC 2013-148-L

Upon a motion by Commissioner Arakaki, seconded by Commissioner Faulkner, it was voted on and unanimously carried to accept the settlement agreement

Following the Commission's review, deliberation, and decisions in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Commission was reconvening its scheduled meeting at 9:40 a.m.

Licensing
Applications:

EO informed the Commissioners that the information provided to the Commissioners is related only to the issue that is before the Commission for consideration. The other materials submitted are available for the Commissioners review should they desire to review it. If the applicants have an issue, which is personal in nature, they have the right to request that their application be considered in executive session.

Executive Session:

Upon a motion by Commissioner Faulkner, seconded by Commissioner Cobb, it was voted on and unanimously carried to enter into executive session, pursuant to section 92-5(a)(1), HRS, "To consider and evaluate personal information, relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and pursuant to section 92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Upon a motion by Commissioner Faulkner, seconded by Commissioner Sherley, it was voted on and unanimously carried to move out of executive session.

Licensing
Applications

Miran Arakelian

After review of the information presented by the applicant, Commissioner Arakaki moved to conditionally approve the real estate salesperson license of Miran Arakelian. Commissioner Sherley seconded the motion. The motion was voted on and unanimously carried.

The conditional real estate salesperson license is approved for the Applicant, subject to the following conditions:

1. That during the term of this conditional license, any violation of the terms of the payment plan with the IRS and/or State Tax office by the Applicant, shall be grounds for revocation of license.
2. That any subsequent criminal conviction whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions or duties of the licensed profession or vocation shall be grounds for revocation of license.

3. That failure to provide written notice within 30 days to the licensing authority of any judgment, award, disciplinary sanctions, order, or other determination, which adjudges or finds that the licensee is civilly, criminally or otherwise liable for any personal injury, property damage or loss caused by the licensee's conduct in the practice of the licensee's profession or vocation shall be grounds for revocation of license.
4. That the Applicant shall at all times be associated with and under the direct supervision of a principal broker ("PB") or one or more brokers in charge ("BIC"), for all real estate transactions.
5. That the Applicant shall inform the PB, sole proprietor real estate broker, or BIC of a real estate branch office with whom the Applicant associates that the Applicant holds a conditional real estate salesperson license and may only practice pursuant to certain terms of the conditional license. The Applicant shall present to the Applicant's PB, sole proprietor real estate broker, or BIC of a real estate branch office a copy of the Commission-issued conditional letter. The Applicant shall ensure that the PB, sole proprietor real estate broker, or BIC of a real estate branch office acknowledges the terms of the Applicant's conditional license by signing and returning a signed copy of the conditional letter to the Commission.
6. That ALL changes of association and/or employment by Applicant to another real estate broker shall be submitted in writing to the Commission. The new PB, sole proprietor real estate broker, or BIC of a real estate branch office shall acknowledge the terms of the Applicant's conditional license within ten (10) days of the change by submitting a completed Change Form along with a copy of the conditional letter signed by the new PB. Failure to attach the signed conditional letter by the new PB may result in disciplinary action.
7. That the satisfaction of the Applicant from said payment plan(s) shall not change any terms of the conditional license
8. That upon successful satisfaction of all fines associated with your conviction and upon completion of payment plan(s) with the IRS and/or State Department of Taxation, the Applicant must submit a written request to the Commission if the Applicant desires to have the conditions removed.

Lawrence J. O'Boyle

After review of the information presented by the applicant, Commissioner Sherley moved to approve the real estate salesperson license of Lawrence J. O'Boyle. Commissioner Wada seconded the motion. The motion was voted on and unanimously carried.

Next Meeting: Friday, June 27, 2014
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, Chair Senter adjourned the meeting at 11:34 a.m.

Reviewed and approved by:

/s/ Miles I. Ino

Miles I. Ino
Executive Officer

June 6, 2014

Date

[X] Approved as circulated.
[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
REAL ESTATE COMMISSION MEETING ON MAY 30, 2014

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Ernest Medeiros Properties, LLC Ernest Medeiros, PB	04/10/2014
MD Management, LLC Marybel J. Aspili, PB	04/16/2014
Pacific Homes Realty, LLC Cindy Busser, PB	04/21/2014
Apartment Management Consultants, LLC Dennis P. Simoncelli, PB	04/24/2014
Hilo Bay Realty, LLC Ed Torrison, PB	04/28/2014
Alii Beach Realty, LLC Linda K. Hamp, PB	05/02/2014
Magna II Properties, LLC Bertha Laubscher, PB	05/06/2014
HI Pro Realty, LLC Lawrence Van Hoey, PB	05/08/2014
Hale Pomaika'i Realty, LLC Benjamin V. Chen, PB	05/13/2014
<u>Brokers – Corporations and Partnerships</u>	<u>Effective Date</u>
Pacific Development Group, Inc. dba PDG Management, Inc. Joseph Michael, PB	04/04/2014
IKing Realty J. T. Smith, PB	04/22/2014
Michael Zimmerman, Inc. Michael Zimmerman, PB	04/28/2014
Dano Sayles, LLC dba RE/MAX Lifestyle Dano Sayles, PB	05/01/2014
<u>Brokers – Sole Proprietor</u>	<u>Effective Date</u>
Carolyn Sprenger	04/01/2014
Robert W. Helstowski	04/11/2014
John W. Stephens	04/15/2014
Robin R. Miyashiro dba Strategic Realty Services	04/23/2014
Joanne L. Anderson	04/28/2014
Gary W. Klever	04/29/2014
Michael E. McMahon dba McMahon & Associates	05/09/2014
<u>Branch Office</u>	<u>Effective Date</u>
Bay Realty, Inc. James Moberg, PB	04/24/2014

<u>Trade Name</u>	<u>Effective Date</u>
Real Select USA, LLC dba Real Select International	04/23/2014
Gary P. Masich dba Polynesian Properties	04/24/2014
SRE Matrix, Inc. dba Smart Real Estate	04/28/2014

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Richard Pahaialoha Martin, Jr.	04/15/2016
Tomoko Jean Miller	04/15/2016
Peter Joseph Spokus	04/15/2016
Brian Joseph Clark	04/15/2016
Myra Jane Avina	04/15/2016
John Allen Norman	04/15/2016
Harish Kumar Bharti	04/15/2016
Sally Bond Mejia	04/16/2016
Perry Dang	04/16/2016
Raimee Noelle Ortega	04/16/2016
Gerald Wayne Scatena	04/16/2016
Jason Hauanio	04/17/2016
Robert Winslow Cohen	04/21/2016
Esther C. Swink	04/21/2016
Robert Francis Baeten	04/21/2016
Timothy Grant Steinmeier	04/22/2016
Yvonne Marie Rocco	04/24/2016
Thiam Choon Boo	04/24/2016
Dennis Michael Buchner	04/24/2016
Karl Bradford Schurz, III	04/24/2016
Christine Hatch	04/24/2016
Nicole Ji Yeon Kim	04/24/2016
Arnold Thielens Phillips	04/24/2016
Christopher L. Blakeslee	04/24/2016
Johnny David Wilkerson	04/24/2016
Abraham Joseph Suter	04/24/2016
James E. Barton	04/29/2016
Justin Louis Umbower	04/29/2016
Ian Paul Clagstone	04/29/2016
Scott Paul Timberlake	04/29/2016
Scott Takashi Ishikawa	04/28/2016
Michael Hobson Taylor	04/28/2016
Margaret Ellen Garlin	04/29/2016
Cynthia J. Regli	04/29/2016
Clarice M. L. Lai	04/29/2016
Thomas Lesley Gore	04/30/2016
Daniel Alberto Gonzalez	05/01/2016

Harold Goakey	05/01/2016
Noah C. Groothuis	05/06/2016
Lisa Jin Lee	05/06/2016
Judy Ann Bealer	05/06/2016
Angela Therese Burke	05/06/2016
Justin V. Bizer	05/06/2016
Steven Clyde Scharsch	05/06/2016
Matthew Anthony Smith	05/06/2016
Michelle Doo Van Rafelghem	05/07/2016
Randee Sue Walker	05/12/2016
Thomas Wessley King, Jr.	05/12/2016
Kenneth E. Grodberg	05/13/2016
Brent Paet	05/14/2016
Mark W. Rowley	05/14/2016
Edlene Ululani Akana Eftink	05/14/2016
Ryan Eugene Sanada	05/15/2016
Kanani Sachiko Strickland	05/15/2016
Michele D. Baloun	05/16/2016
Dominique Borghetto	05/16/2016

Equivalency to Uniform Section of Examination Certificate

Expiration Date

Tomoko Jean Miller	04/15/2016
Peter Joseph Spokus	04/15/2016
Brian Joseph Clark	04/15/2016
Myra Jane Avina	04/15/2016
John Allen Norman	04/15/2016
Harish Kumar Bharti	04/15/2016
Sally Bond Mejia	04/16/2016
Raimee Noelle Ortega	04/16/2016
Gerald Wayne Scatena	04/16/2016
Robert Winslow Cohen	04/21/2016
Esther C. Swink	04/21/2016
Robert Francis Baeten	04/21/2016
Yvonne Marie Rocco	04/24/2016
Dennis Michael Buchner	04/24/2016
Karl Bradford Schurz, III	04/24/2016
Christine Hatch	04/24/2016
Christopher L. Blakeslee	04/24/2016
Johnny David Wilkerson	04/24/2016
Abraham Joseph Suter	04/24/2016
Michael Hobson Taylor	04/28/2016
Cynthia J. Regli	04/29/2016
Scott Paul Timberlake	04/29/2016
Thomas Lesley Gore	04/30/2016
Daniel Alberto Gonzalez	05/01/2016
Harold Goakey	05/01/2016

Noah C. Groothuis	05/06/2016
Judy Ann Bealer	05/06/2016
Steven Clyde Scharsch	05/06/2016
Matthew Anthony Smith	05/06/2016
Randee Sue Walker	05/12/2016
Thomas Wessley King, Jr.	05/12/2016
Kenneth E. Grodberg	05/13/2016
Brent Paet	05/14/2016
Mark W. Rowley	05/14/2016
Michele D. Baloun	05/16/2016
Dominique Borghetto	05/16/2016

Real Estate Broker Experience Certificate

Expiration Date

Priscilla Walthouse	04/15/2016
Tomoko Jean Miller	04/15/2016
Cecelio D. Manalo	04/15/2016
Peter Joseph Spokus	04/15/2016
Brian Joseph Clark	04/15/2016
Myra Jane Avina	04/15/2016
Harish Kumar Bharti	04/15/2016
Moe Melody Chun	04/16/2016
Gerald Wayne Scatena	04/16/2016
Hitoshi Okada	04/17/2016
Robert Winslow Cohen	04/21/2016
Tian Tsai	04/23/2016
Yvonne Marie Rocco	04/24/2016
Matthew Walter Pennaz	04/24/2016
Aileen Leinani Acosta	04/24/2016
Christine Hatch	04/24/2016
Christopher L. Blakeslee	04/24/2016
Jennifer Vinson	04/24/2016
Abraham Joseph Suter	04/24/2016
Kelly Elizabeth Bullard	04/29/2016
Ian Paul Clagstone	04/29/2016
Scott Paul Timberlake	04/29/2016
Michael Hobson Taylor	04/29/2016
Elizabeth C. Starr	04/29/2016
Harold Goakey	05/01/2016
Amy Ishikawa	05/06/2016
Pamela Gail Miller	05/06/2016
Joe K. Wong	05/12/2016
Randee Sue Walker	05/12/2016
Linda Y. Denault	05/13/2016
Kenneth E. Grodberg	05/13/2016
Brent Paet	05/14/2016
Mark W. Rowley	05/14/2016

<u>Real Estate Broker</u>	<u>Effective Date</u>
Susan Diane Alden	04/02/2014
Joseph Kaleoaloha Ahina	04/03/2014
Joseph David Michael	04/04/2014
Shauna A. Zinn	04/09/2014
Sherry F. M. Yagin	04/14/2014
Egan R. Moe	04/15/2014
Marybel J. Aspili	04/16/2014
Alice Bennett-Moran	04/17/2014
John J. Climaldi	04/21/2014
Kelly Shaw	04/21/2014
Catherine Marie Peavy	05/06/2014
Mark C. Bennett	05/08/2014
Sheri Owen Garrett	05/09/2014
Takashi Nakayama	05/13/2014
Moe Melody Chun	05/14/2014
Melisa Nicole Marker	05/16/2014

<u>Restoration – Real Estate Salesperson</u>	<u>Effective Date</u>
C. J. Paet	04/14/2014
Clifford Blake Douglas	05/13/2014

<u>Restoration – Real Estate Broker</u>	<u>Effective Date</u>
Benjamin V. Chen	05/13/2014